

1 MS. LANCASTER: Again, Your Honor, that's
2 testimony, and --

3 THE COURT: It's not testimony. I'm not
4 considering it testimony because it's not coming from the
5 mouth of a sworn witness. But I'm just -- If I have
6 questions I think I'd like everybody to know what the
7 questions are so that they can be addressed. I'm not going
8 to sandbag anybody.

9 MR. ROMNEY: And I don't particularly care to get
10 it out from this witness, because I don't know that she's
11 going to give me a straight answer either way.

12 THE COURT: That's fine.

13 MR. ROMNEY: I just wanted to make sure it came in
14 because she's saying, blah, blah, blah, whatever she said,
15 and now it's in and we can explain that, and we'd be happy
16 to do that.

17 THE COURT: Okay. I just --

18 MS. LANCASTER: Your Honor, that's illogical. If
19 he doesn't want to get it from this witness, why is he
20 asking this witness about it?

21 THE COURT: He probably thought he could. I don't
22 know.

23 MS. LANCASTER: It's clear she doesn't understand
24 it.

25 MR. ROMNEY: I'd certainly like the Court to walk

1 away with the impression that she doesn't know everything
2 that she's talking about. Gee. Score one for cross-exam.

3 MS. LANCASTER: I don't know.

4 THE COURT: That's not testimony, either.

5 MR. PEDIGO: That's boasting, Your Honor.

6 (Laughter)

7 MS. LANCASTER: I think the testimony previously
8 has been that these types of reports are what's supposed to
9 tell her what the income to her station has been.

10 THE COURT: Well, I think that was clarified. But
11 you can, whatever arguments you can make in findings and
12 conclusion I'll consider and I'll consider the testimony and
13 see where we go from there. But I just, I wanted to make
14 sure that I understood what was going on, but I didn't want
15 to raise this with the witness in the room.

16 If somebody can see if she's back, then we can
17 proceed.

18 (Pause)

19 THE COURT: Does that conclude your examination,
20 Mr. Romney?

21 MR. ROMNEY: Yes, sir.

22 THE COURT: Mr. Wilson?

23 FURTHER CROSS-EXAMINATION

24 BY MR. WILSON:

25 Q Ms. Lutz, my name is Ronnie Wilson. I'm one of

Heritage Reporting Corporation
(202) 628-4888

1 the two attorneys for David and Diane Brasher.

2 You came back, I believe you characterized it as
3 your second term of employment in '96, is that correct?

4 A Yes, sir.

5 Q In '96, did Diane take a leave of absence?

6 A Yes, that was part of the reason that I had been
7 asked to come back in. She needed surgery and she took a
8 short leave of absence in order to have surgery and recover
9 from it.

10 Q Do you remember that timeframe?

11 A I came back in the middle of May -- I believe
12 Diane took most of the summer off. She might have came back
13 in the fall, but any better than that I couldn't say.

14 Q Approximately four months, five months?

15 A Four months. Three, four, five months, something
16 of that nature.

17 Q And she left shortly after she came back?

18 A Actually, yes, she did. I believe the surgery was
19 actually scheduled for maybe the end of the same week that I
20 came back.

21 Q So within a week or so she was gone on her leave.

22 A Yes.

23 THE COURT: Please try to wait for Mr. Wilson to
24 finish asking before you answer.

25 THE WITNESS: I'm sorry.

1 THE COURT: That's okay. Everybody does it.

2 BY MR. WILSON:

3 Q Did Diane ever ask you to do anything that you
4 considered would be a deception of the FCC?

5 A No, she did not.

6 Q Did Diane ever instruct you to do anything that
7 you thought or believed would be a deception to the FCC?

8 A No, she didn't.

9 Q Do you recall when David came to work with DLB?

10 A Came to work in the summer of 1997.

11 Q Okay. Your first term of employment with DLB was
12 prior to David coming to work there, correct?

13 A Yes, that's correct.

14 Q You didn't have any involvement with David during
15 your first term of employment, did you? In regard to DLB
16 business?

17 A No, I didn't.

18 Q You don't recall him being involved at all in the
19 business in your --

20 A I believe that he was --

21 Q -- first term?

22 A Sorry. I believe that he was an officer of the
23 company, but he didn't have any direct involvement with it
24 to my knowledge, no.

25 Q Okay. Did David ever ask you to do anything that

1 you considered to be a deception toward the FCC?

2 A Nothing that I can recall.

3 Q Do you think you'd remember it if he did?

4 A I think I would, at this point.

5 Q Did David ever instruct you to do anything that
6 you considered deceptive toward the FCC?

7 A No, he did not.

8 Q Let's revisit for a moment your testimony about --
9 over my objection -- about him being terminated because of
10 allegations of sexual harassment at a prior employment
11 before he came to work at DLB, remember that?

12 A Yes.

13 Q As a matter of fact, you don't know whether David
14 did anything wrong, do you?

15 A No, I don't. I just know -- Well, never mind.
16 I'll wait.

17 Q You don't know whether there was any truth to the
18 allegations against him at all, do you?

19 A No, I don't.

20 Q In fact you don't even know what the allegations
21 were other than the term sexual harassment.

22 A That's correct. I believe that --

23 THE COURT: Just answer the question.

24 THE WITNESS: I'm sorry. I'm sorry.

25

1 BY MR. WILSON:

2 Q Would you agree with me that not all allegations
3 that are made against someone are true?

4 A Oh, yes. Absolutely.

5 Q And some people just make those allegations
6 without factual basis just to try to get some money?

7 A Oh, yes. Uh huh.

8 Q The allegations in the matter we're here today for
9 alleged you did some things illegal, didn't they?

10 A Yes, they did.

11 Q And those weren't true, were they?

12 A Well, I have come to learn that they're illegal,
13 but at the beginning, no, I did not know that they were
14 illegal.

15 Q Who told you they were illegal?

16 A Well, I guess I've come to that conclusion on my
17 own by reading documents, et cetera, and so forth.

18 Q By reading allegations?

19 A No. Reading FCC documents and statements in them,
20 and hearing people talk and ask questions, and then telling
21 me that I'm ultimately responsible for this license, even
22 though to me I'm not. That I hold this license and
23 therefore legally I'm responsible for it, which I guess I
24 am.

25 Q Nobody with any legal background and training and

1 being able to interpret the law have told you you've done
2 anything illegal, have they?

3 A No.

4 MR. WILSON: I'll pass the witness.

5 THE COURT: Ms. Lancaster?

6 REDIRECT EXAMINATION

7 BY MS. LANCASTER:

8 Q Ms. Lutz, do you recall Mr. Romney asking you
9 about your prior license? He asked you about the paperwork
10 that went with your prior license?

11 A Yes.

12 Q And I believe you testified that you threw it away
13 in 1995 when you quit DLB?

14 A Yes.

15 Q Do you recall that?

16 A Yes.

17 Q He was asking you about whether it was an end
18 user's license and all of those questions.

19 Do you know how many mobiles were listed on that
20 prior license?

21 A No, I don't.

22 Q Do you recall whether or not you knew that any of
23 the Sumpters had signed up for a license? While you were
24 working at DLB didn't you know they had signed up for a
25 license? Do you recall any of that line of questioning by

1 Mr. Romney?

2 A Yes, I believe so.

3 Q Did you talk to the Sumpters about DLB business
4 when you saw them?

5 A I made a point of not talking with them about
6 Metroplex Two Way business.

7 Q Why?

8 A Those were my instructions from Ron Brasher.

9 Q Did he give you any indication why he instructed
10 you not to discuss DLB business with any of the Sumpters?

11 A Ron said that Jim Sumpter was a very conservative
12 CPA and that there were a lot of things that went on at the
13 office that he did not necessarily need to know about. And
14 if I discussed matters with Norma and --

15 MR. ROMNEY: Objection, Your Honor. This doesn't
16 go to anything in Cross-Examination.

17 MS. LANCASTER: Yes it does, Your Honor.

18 THE COURT: The questions that I remember from Mr.
19 Romney were about whether or not the witness knew that the
20 Sumpters had licenses.

21 MR. ROMNEY: That's correct. That's a long leap
22 to this topic.

23 MS. LANCASTER: He also asked didn't the Sumpters
24 tell her that they had licenses. Didn't she talk about that
25 with the Sumpters.

1 And Your Honor, I might point out that not only do
2 I have Direct, I also have Cross-Examination of this
3 witness. We both, the Brashers have a burden of proof here
4 as to the applications, and the FCC has the burden of proof
5 as to the revocation. But I also have Cross-Examination of
6 this witness. This witness is listed as both of our
7 witnesses, not just the Government's witness.

8 THE COURT: We had Direct, then we had, it was Mr.
9 Romney's Direct/Cross?

10 MR. ROMNEY: Mine was everything.

11 MS. LANCASTER: I'm sorry, Your Honor, but my
12 understanding is we were trying to do everything all at one
13 time when we had a witness.

14 MR. ROMNEY: That's right. I did my Cross and my
15 Direct all at one time. This is not an area that was gone
16 into her testimony or in my Cross or on my Direct.

17 THE COURT: I think Mr. Romney is correct.

18 MS. LANCASTER: Your Honor, I believe I'm entitled
19 to ask this witness if she had any instructions from Mr.
20 Brasher not to talk about DLB business with the Sumpters.
21 Specifically when he opened the door regarding whether or
22 not she knew about the Sumpters' license and whether or not
23 they had told her that they got a license.

24 THE COURT: Then you have the answer to that, and
25 the answer was she was instructed by Mr. Brasher not to

1 discuss DLB business with the Sumpters.

2 MS. LANCASTER: Yes, sir. And I asked her why,
3 did he make any other comments regarding that instruction,
4 and that's what she was in the process of answering.

5 THE COURT: Why don't we -- I think we got the
6 answer on the record anyway. But why don't you get the
7 answer out and I'll think about the matter and then --
8 Without the transcript I'm not absolutely positive as to the
9 scope of the Direct/Cross. I don't recall enough,
10 unfortunately, to be able to make an intelligent ruling. So
11 I'll let you get the answer out, and then if this comes up
12 in findings and conclusions then you'll make your arguments
13 and replies. I guess I'm overruling it.

14 MS. LANCASTER: Thank you, Your Honor.

15 BY MS. LANCASTER:

16 Q Ms. Lutz, what did Mr. Brasher tell you about
17 discussing DLB business with any of the Sumpters?

18 A He instructed me not to discuss what went on at
19 the office with the Sumpters, because Jim was very
20 conservative, and a lot of things that went on at the office
21 he didn't need to know about because he could never be asked
22 to lie about something of he didn't know about it.

23 Q I believe when Mr. Romney introduced RB/PB Exhibit
24 5 and 6, do you recall those documents?

25 A Yes.

1 Q That you had wanted to offer an explanation as to
2 why you had gotten upset when you had first looked at
3 Exhibit 21.

4 A When I first looked at it --

5 Q Wait a minute. I'm going to ask you to give any
6 explanation that you wanted to give at that time that you
7 were not allowed to give.

8 MR. ROMNEY: Objection, Your Honor. Improper
9 question. It's not a question/answer format, it's an
10 invitation for a soliloquy.

11 THE COURT: Why don't you ask a specific question.

12 BY MS. LANCASTER:

13 Q Did you want to add additional information
14 regarding RB/PB 5 and 6?

15 A Yes, I did.

16 When I first saw the document --

17 MR. ROMNEY: Objection, Your Honor. There's no
18 question in front of the witness. Move to strike, non-
19 responsive.

20 BY MS. LANCASTER:

21 Q Can you explain why you were initially upset when
22 you saw Exhibit 21?

23 THE COURT: I didn't want to put this on the
24 record but I will now, an observation that during the time,
25 let me get to my notes so I can be absolutely positive.

1 (Pause)

2 THE COURT: During the time that your Exhibit 21,
3 pages 14 through 17, during the questioning on Exhibit 21,
4 your Exhibit 21, pages 14 through 17, questions were asked
5 and then the answers were to the effect that the responses
6 in Exhibit 21 on those pages didn't accurately reflect her
7 representations, and that Mrs. Lutz had made handwritten
8 entries that apparently aren't on the document.

9 During that examination or at the conclusion of
10 it, Ms. Lutz started crying and became upset and we took a
11 short break to allow her to compose herself.

12 Does anybody disagree with that observation? Mr.
13 Romney?

14 MR. ROMNEY: No, sir.

15 BY MS. LANCASTER:

16 Q Why did you become upset when you looked at
17 Exhibit 21, Mrs. Lutz?

18 A Because I didn't see my handwritten changes and
19 initials, and I thought after I had made those changes and
20 given it back to Ronald that it would have been mailed back
21 to his attorney exactly as I had given it to him. And when
22 I looked at this document I felt like I had been
23 misrepresented again, that he hadn't actually sent my
24 changes.

25 THE COURT: And this document is Exhibit 21?

1 THE WITNESS: Yes, that's correct.

2 But in getting copies of 5 and 6, and I compared
3 them --

4 MS. LANCASTER: Let me interrupt.

5 THE WITNESS: I'm sorry.

6 THE COURT: Let her complete the answer.

7 MS. LANCASTER: Okay. Go ahead.

8 THE WITNESS: In examining the documents over
9 lunch, I realized that the changes that I had made had
10 basically been put in, but had been retyped, or at least
11 that is the conclusion that I have come to.

12 BY MS. LANCASTER:

13 Q When you say examining 5 and 6 over lunch, are you
14 referring to RB/PB Exhibit 5 and RB/PB Exhibit 6?

15 A Yes, I am.

16 Q Did you see a copy of the opposition prior to it
17 being filed? A copy of the opposition is Exhibit 2, if
18 you'd like to look at that.

19 A I remember that document, and no. I have yet to
20 see a full copy of the document called Opposition.

21 THE COURT: So the answer was you didn't see a
22 copy of Exhibit 2 before it was filed.

23 THE WITNESS: No. I did not.

24 BY MS. LANCASTER:

25 Q Do you recall a lot of questions from Mr. Romney

1 regarding Exhibit 62 which is the management agreement that
2 I believe you testified was given to you by Ronald Brasher?

3 THE COURT: If I remember the testimony correctly,
4 the witness didn't recognize the copy of Exhibit 62 in the
5 record because it didn't have her notes on it from before
6 the deposition. Is that correct, Mrs. Lutz? You can take
7 your time and review it.

8 THE WITNESS: I didn't recognize it as that until
9 she pointed out that the page behind it showed my note.

10 BY MS. LANCASTER:

11 Q Are you referring to page 12 of Exhibit 62?

12 A Yes.

13 Q That is your note?

14 A Yes.

15 Q That was at the top of --

16 A That had been at the top of the original, yes.

17 Q Actually, Ms. Lutz, do you recall that that note
18 was on the top of a cover page attached to Exhibit 62
19 originally?

20 A Yes, I do.

21 Q What happened to that cover page?

22 MR. ROMNEY: Objection, Your Honor. Relevance.

23 MS. LANCASTER: I'm trying to make it clear for
24 the Court, Your Honor, that this is the copy that she
25 provided, that the note has been removed off of the cover

1 page, but that this is still what went with that cover page.

2 THE COURT: Just ask that.

3 BY MS. LANCASTER:

4 Q Is that true --

5 A Yes.

6 Q Okay.

7 When were you given the managing and marketing
8 agreement shown as Exhibit 62, when did Ron give that to
9 you?

10 A Without the cover page that went with it
11 originally I can only guess, and it was sometime in 1999.

12 Q You'd had your license since the middle of 1996,
13 is that correct?

14 A Yes.

15 Q Did you ask him if he wanted a management
16 agreement concerning your license why he hadn't given you
17 one prior to you getting the license?

18 A No, I didn't ask him.

19 Q Did he volunteer any information about that?

20 A No, he didn't.

21 Q Did you want a management agreement?

22 A No, I did not.

23 Q You talked about a T-band repeater manual. Do you
24 recall Mr. Romney asking you about the T-band repeater
25 manual?

1 A Yes.

2 Q I believe you stated that Exhibit RB/PB 7 was a
3 page out of the T-band repeater manual?

4 A Yes, uh uh.

5 Q Which parts of Exhibit RB/PB 7 would have appeared
6 in the repeater manual?

7 A Only this front page.

8 THE COURT: How about the second page?

9 THE WITNESS: That appears to be just -- When the
10 year ran out, you would put another page in to take up the
11 new space. So the other page would have been filed in the
12 old information file. Or sometimes it was attached behind
13 it, but the first page would have been what was in my
14 repeater manual.

15 BY MS. LANCASTER:

16 Q Did you have a repeater manual for every year?

17 A No. The repeater manual went from year to year.
18 The pages where you indicate the year would change, and when
19 those years would run out you would put a new page in.

20 Q So would possibly page one and two of RB/PB Number
21 7 have been repeated in the repeater manual?

22 A It's possible, yes.

23 Q How about page three of RB/PB No. 7?

24 A No, this page would not have been in my repeater
25 manual.

1 Q How many pages are in the repeater manual?

2 A It depends on how many customers there are in it.
3 Fifty? Seventy-five? I never counted them.

4 Q Did it sit up very high? Is it very thick?

5 A This thick, let's say what, three inches, two
6 inches.

7 Q Between two and three inches thick?

8 A Yeah.

9 Q And each page would represent a different
10 customer?

11 A Yes.

12 Q Did you ever go through and look at every single
13 page and try to figure out which of those customers was
14 specifically using the repeater for your station?

15 A No, I didn't.

16 Q Would you have known how to go through and figure
17 out the revenues for your station based upon the documents
18 in the repeater manual?

19 A No, way.

20 Q Would you have known what other documents you
21 would have needed to look at in addition to the documents in
22 the repeater manual to figure out what the revenue was for
23 your station?

24 A I doubt that I would have had access to all of the
25 documents that might have been necessary to do that.

1 Q Did it ever even occur to you to try to do that?

2 A No. Not ever.

3 THE COURT: Let me ask. You're not saying that
4 someone at Metroplex Two Way couldn't have done it?

5 THE WITNESS: I presume it could be done, they
6 keep saying it can be done, but I wouldn't know how.

7 THE COURT: Who's they?

8 THE WITNESS: Mr. Romney indicated to me that it
9 could be done. That Mr. Brasher, Ron Brasher, had told him
10 it could be done.

11 THE COURT: You're not disputing that, are you?

12 THE WITNESS: I guess they can if they say they
13 can.

14 THE COURT: But you don't know how to do that.

15 THE WITNESS: I don't know how to do that, no.

16 BY MS. LANCASTER:

17 Q How about operating expenses for your station?

18 Would the T-band repeater manual tell you what the operating
19 expenses are that are associated with your station?

20 A No. The repeater manual was strictly nothing
21 other than information on the customer.

22 Q As far as each invoice that's indicated in the T-
23 band repeater manual, did DLB always collect all of the
24 money that it invoiced? Do you understand that question?

25 A Hopefully we would have collected all the money

1 that we invoiced, yes.

2 Q Do you know one way or another?

3 A We had some past due customers. We had invoices
4 that had not been paid, yes.

5 Q Did you have customers who left DLB's service
6 without paying their full bill?

7 A Oh, yes. Uh huh.

8 Q I believe you started off your testimony, Ms.
9 Lutz, by saying Ronald told you what he was asking you to do
10 was technically illegal, but that there were loopholes and
11 people did it all of the time. Do you recall making that
12 statement?

13 A Yes, I did.

14 Q Did you ask Ronald if you would get in trouble by
15 signing the license application?

16 A Yes, I did.

17 Q Did you ask him if you'd get in trouble if a
18 license was issued in your name?

19 A Yes, I did.

20 Q What did he tell you to both of those questions?

21 A He told me that there was no way that I would get
22 in trouble for it.

23 THE COURT: Do you consider today that you're in
24 trouble?

25 THE WITNESS: Yeah.

1 BY MS. LANCASTER:

2 Q When Diane left in the summer in 1996 to have
3 surgery, did she still perform any duties on behalf of DLB
4 and/or Metroplex?

5 A Yes, she still did the payroll. But I think
6 pretty much payroll was probably all she did.

7 Q Do you know if she still did any accounts payable?

8 A She may have, but --

9 Q You don't do accounts payable, right?

10 A No. I don't do accounts payable.

11 Q So would you know whether she was doing any
12 accounts payable work during that summer?

13 A If she did it she probably did it when I wasn't
14 around, like maybe come in at night or on the weekend or
15 something.

16 Q Do you know if she was still consulting with Ron
17 and Pat and David regarding what was the management of DLB
18 and/or Metroplex?

19 A I wouldn't know.

20 Q Do you remember Mr. Wilson asking you about the
21 sexual harassment allegation against David?

22 A Yes.

23 Q You indicated that you had additional information
24 you wanted to add regarding that. Do you remember that?

25 A I remember wanting to say something but I

1 don't --

2 THE COURT: I don't really want to hear it. So it
3 doesn't matter if you remember.

4 MS. LANCASTER: Okay.

5 I have no further questions, Your Honor.

6 THE COURT: Mr. Romney?

7 RECROSS-EXAMINATION

8 BY MR. ROMNEY:

9 Q Did you order parts while you were at DLB?

10 A Yes.

11 Q The --

12 MS. LANCASTER: Objection, Your Honor. That was
13 not part of my Cross-Examination of this witness.

14 THE COURT: Let's leave the sarcasm out of the
15 tone.

16 The objection is overruled. He'll have as much
17 leeway as you had.

18 BY MR. ROMNEY:

19 Q Your statement was that Ron told you that Jim
20 Sumpter, that he instructed you not to talk to the Sumpters
21 about DLB business, is that right?

22 A Yes.

23 Q Isn't it a fact you were told not to discuss the
24 DLB business with anybody outside DLB?

25 A I don't know that he specifically ever told me

1 that in this regard. He specifically told me not to discuss
2 it with Norma Sumpter. That was the only time that ever
3 came up.

4 Q Let's go back here. He told you not to discuss
5 DLB business with Norma.

6 A With the Sumpters.

7 Q Well you just said, ma'am, Norma.

8 A Okay. Norma and Jim Sumpter.

9 Q I want to know if it was Norma that he said or
10 Norma and Jim? Can you be more specific, please?

11 A The Sumpters. Plural. Meaning two of them, three
12 of them, four of them. Ever how many the Sumpters are.

13 Q You know that the Sumpters were responsible for
14 setting up the way the bookkeeping was done at DLB?

15 A I believe so.

16 Q You know that the Sumpters were involved in doing,
17 redoing some of the accounting procedures when the T-band
18 system was purchased?

19 A No, I don't know that.

20 Q You don't know one way or the other, do you?

21 A No.

22 Q You were asked some questions by Ms. Lancaster
23 about your reaction when you saw Exhibit 21, pages 14, 15,
24 16. Do you recall those questions, ma'am? About your
25 becoming emotional?

1 A Yes.

2 Q You looked at those documents this morning and the
3 minute you looked at them you became emotional about it, is
4 that right?

5 A Yes.

6 Q You immediately believed, did you not, that Ron
7 Sumpter had not passed on your changes to the FCC, is that
8 right?

9 A Yes. Ron Brasher.

10 Q Ron Brasher. You immediately believed, in just a
11 very cursory glance of that document, that Ron Brasher had
12 somehow not passed on information that you had given to the
13 FCC, right?

14 A Absolutely.

15 Q And you felt betrayed again.

16 A Again.

17 Q Did you jump to the conclusion about Mr. Brasher
18 on every other issue that you've addressed with the Court
19 like you did on that one?

20 A I don't think so, no. Because I didn't see my
21 handwritten notes on that. It wasn't the way I had last
22 seen it.

23 Q And you know now after looking at the documents
24 that were presented to you during lunch time and over lunch
25 time, that in fact your changes were made.

1 A Yes.

2 Q And your jumping to conclusions was premature, at
3 best.

4 A Okay.

5 Q Is that right?

6 A Yes. In that instance.

7 Q You never cut Ron Brasher any slack on any issue,
8 do you?

9 A Not anymore.

10 Q You immediately assume the worst about Ron
11 Brasher.

12 A Yes, I do.

13 Q And you're more than happy to tell the Court that,
14 aren't you?

15 A Yes, I am.

16 Q In fact you would just like to dump everything you
17 can on Ron Brasher, right?

18 A Those things that he's responsible for, yes.

19 Q Whether there's two ways to look at an issue or
20 not, you're going to take the side that casts the worst
21 light on Mr. Brasher, correct?

22 A Not necessarily.

23 Q You have in that instance on that document, right?

24 A Yes.

25 MR. ROMNEY: Thank you. No more questions, Your

1 Honor.

2 THE COURT: Mr. Wilson?

3 MR. WILSON: No further questions, Your Honor.

4 THE COURT: I think you're going to be very
5 unhappy to hear this, but you're excused.

6 (Laughter)

7 (Witness excused)

8 THE COURT: Are you going to instruct the witness
9 about --

10 MS. LANCASTER: I'll be happy to do that, Your
11 Honor. I need to give her -- If we can take just a
12 momentary break so I can explain to her how to turn in her
13 witness fee sheets, I would appreciate it.

14 THE COURT: Okay. Then who's the next witness
15 going to be?

16 MS. LANCASTER: Melissa Sumpter I believe is going
17 to be our next witness, Your Honor

18 THE COURT: Okay. We'll take a break.

19 (Recess taken)

20 THE COURT: On the record.

21 I'm going to get your appearance in a minute.

22 Do you recall that before Jennifer Hill testified
23 I gave her a little spiel about how she wasn't in any
24 trouble and this and that and the other thing. Do you want
25 me -- I didn't realize where you were going on your Cross-

1 Examination, Mr. Romney. Do you want me not to tell Melissa
2 Sumpter any of that?

3 MR. ROMNEY: I'd appreciate it if you wouldn't.

4 THE COURT: I don't want to step on your --

5 MR. ROMNEY: I'd like to have their current state
6 of mind.

7 THE COURT: No, you're absolutely right, and I
8 realized -- I didn't know it was going there.

9 MR. ROMNEY: I understand.

10 THE COURT: Before I did it, I just wanted to see
11 if it was objectionable to anybody, and it is, so I won't do
12 it.

13 Could you tell Ms. Sumpter to come back, please?

14 (Pause)

15 THE COURT: Before you sit down would you raise
16 your right hand please?

17 Whereupon,

18 MELISSA SUMPTER ELLINGTON

19 having been first duly sworn, was called as a witness
20 herein, and was examined and testified as follows:

21 THE COURT: Please be seated.

22 Mr. McVeigh, do you want to enter your appearance
23 now?

24 MR. McVEIGH: John McVeigh on behalf of Melissa
25 Sumpter.